

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WALTER BUCKINGHAM,

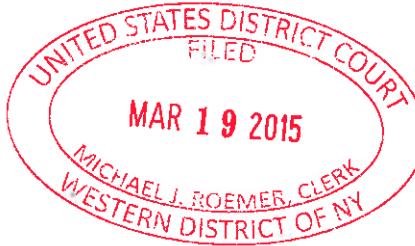
Plaintiff,

v.

LEWIS GENERAL TIRES, INC.,

Defendant.

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Docket Number:
13-6264L

**IN response to THE ORDER OF DEFENDANT INTERROGATORIES
FRCP Rule 26 (a)(1).
INTERROGATORIES (numbers) (1.)& (2.)**

Location of occurrence: at Lewis General Tire Inc., commercial dept. 3870 West Henrietta Rd., Rochester NY 14623.

(1a.) On Friday, March 30, 2012, I informed the manager/supervisor Bob Brabant, that my mother was very ill and that I needed Saturday, March 31, 2012 off. Bob verbally approved me on March 30, 2012 to have March 31, 2012 off. **(See attachment)**

(b.) On April 13, 2012, which is thirteen days later from (March 31, 2012), is when I received an Employee Warning Notice from supervisor Bob Brabant. This Employee Warning Notice under Employer Statement section, incident date was March 31, 2012. It stated that the employee did not show up for work and did not call. Please keep in mind that Bob Brabant verbally approved me on March 30, 2012 to have March 31, 2012 off, to take care of my ill mother. **(See attachment)**

(b.) Notice that supervisor Bob Brabant signed the Employee Warning Notice on April 12, 2012. This was one day before I received the Employee Warning Notice on April 13, 2012. At this point I gave Lewis General Tire, Inc., a written letter on April 13, 2012 to have April 14, 2012 off, to take care of my very ill mother.

(Civil Right Act of 1964-Race/color)

When I received the Employee Warning Notice, all I could think of is the racial slurs I heard; "We do not need any blacks working for our company."

I was the only Black African American working for Lewis General Tires, Inc. at that time. I could not say anything about the racial slurs that I heard, because I valued my job. I worked in every area of the company as needed with no complaints, just hoping that they would accept my color and race. **(See attachment)**

INTERROGATORIES (numbers) (1.)& (2.)

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(b.) So, all I could do is give Lewis General Tires, Inc. a written letter requesting on April 13, 2012 and not a verbal request, like before, to have April 14, 2012 off, in order to take care of my very ill mother. Although, I gave the supervisors a time off written letter request, I was still being taunted and harassed. **(See attachment)**

(1c.) May 16, 2012

All I could think of is the racial slurs I heard while I was in the restroom stall, "We do not need any blacks working for our company." The location of the incident happened in the Commercial Department restroom at Lewis General Tires Inc., 3870 West Henrietta Rd., Rochester, NY 14623. I was the only black African American Employee working for the company at that time. Supervisors Bob Brabant and Wayne Canute-Goss ran out of tactics to terminate me; here are their tactics. **(See list below) See attachment**

- Employee Warning Notice signed by Supervisors Bob Brabant
- Memo signed by Supervisors Wayne Canute-Goss. On April 26, 2012 stated that I approached him and vehemently questioned why he was written up for a no show/no call on Saturday, April 21, 2012. **See contract that's signed** on April 18, 2012 by the owner Richards Lewis, Craig Lewis, Manny D' Ambrosio and Walter Buckingham. Contract stated; it's order that Walter will be excused from work on Saturdays from now until June 2nd 2012 in order to care for his ill mother. **See attachment**

(c.) Please keep in mind that I worked from June 2010 until May 16, 2012 and I did not receive any personal, sick and vacation time off doing my employment at Lewis General Tires, Inc. I never was written up until after I heard the racial slurs, "We do not need any blacks working for our company."

(d.) May 18, 2012 at 8:09 am, I arrived at Lewis General Tire Inc., Commercial Dept. at 3870 West Henrietta Rd., Rochester, NY 14623, to turn in my uniforms and to pick up my check. So, I gave the uniform guy all the company uniforms and I went to Lewis General Tire Inc., Treasurer Controller Manny D' Ambrosio to pick up my check but, the checks was not in at that time. **Manny D' Ambrosio told me that he paid me for the time I had on my time card plus 1 hour for Wednesday.** I said, "I came in to work, could you pay me for that whole day at least 4 hours?"; he said, "1 hour is what he told me to pay." After that Manny said, "I paid you 44 hours for your vacation time." I asked him, "Why I didn't get paid for that day, at least pay me for 4 hours; because I did come in to work willing ready and able to work like always." Manny told me that, "He's doing what he was told and I never paid any one that I terminate." I asked him, "What did he say again?" He stated that, "I never pay any one I terminate for a whole day, if you get terminate at 12:00 you get paid until 12:00." **(See attachment)** Contract dated 4/18/12

(e.) Memo by supervisor Wayne Canute-Goss on April 30, 2012, harassed me for being on time for work. **(See attachment)**

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INTERROGATORIES (numbers) (1.)& (2.)

THE LAST FINAL TACTIC

On May 16, 2012 7:00 am at some point, supervisor Bob Brabant was in a meeting With Lewis General Tire Inc., Treasurer Controller Manny D' Ambrosio. This meeting was

Discuss how to terminate me because the supervisors Bob Brabant and Wayne Canute-Goss Tried everything they could. Now it's about 8:10 am, I see supervisor Bob Brabant coming from Lewis General Tire Inc., Treasurer Controller office. Bob told me to come with him to Manny D' Ambrosio office. Once we arrived, the two of them decided that Lewis General Tires, Inc., have no work for me. This occurred at that time when Lewis General Tires, Inc., was busy and short on Tire Techs in the Retail Dept., Commercial Dept. and Road Service Dept.

Lewis General Tire Inc. at 3870 West Henrietta Rd., Rochester, NY 14623, have been running employment ads for Tire Techs at the time Treasurer Controller Manny D' Ambrosio and supervisor Bob Brabant told me that Lewis General Tires, have no work for me at that time. **(See attachment) Contract 4/18/12**

Please keep in mind that there was a binding contract signed by Treasurer Controller Manny D' Ambrosio, on April 18,2012 stating that Walter will be excused from work on Saturdays, from now until June 2, 2012, in order to care for his mother.

(See attachment)

INTERROGATORIES (number) (3.)

DAMAGES DISCLOSURE

page 4

1.) Emotional Distress \$ 300,000

I Lost all enjoyment of life and I can't sleep thinking about how Lewis General Tires Inc., Harassment, taunted hearing those same racial slurs from two white males stating, we don't need any blacks working for our company. And I'm more stress thinking about the tactic the company used against me when I went to pick up my check from Lewis General Tires Inc., Treasurer, Controller Manny told me that "He's doing what he was told and I never paid any one that he terminate. Now I'm stress what's really going on will ever be able to work in the workforce area that I love with out Lewis General Tires Inc., destroying that. This caused me to have a sleeping disorder.. NOTE: now I had to have sleeping medication called., (zollpidem).

2.) Increased stress \$ 300,000

On me do to having to sheer with my mother what I heard on the Job telling her two white guys came in the restroom while I was in the stall saying we don't need any blacks working for our company and they was laughing after I told her that she had a look on her face I never seen before she was so hurt to hear that knowing I was very dependable I told her that the two white guys didn't know I was in the stall listening to every word they said. My mother said to me doesn't say anything to them about it no matter what. After that hear come what mother was talking about. Being harass, taunted. Cause me to have multiple headaches. Now I take (Excedrin) never had to take it before

3.) Punitive damages \$ 300,000

Harassment, taunted /breach of contract (wrongful termination)

Lewis General Tires Inc. caused me the loss of my job, live a normal everyday life, lose good health, and caused my mother illness to worsen.

4.) Physical and mental stress \$ 300,000

Lewis General Tires Inc. causes me sleepless nights and it's hard for me to concentrate. This is due to the stress thinking about the racial slurs that I heard at Lewis General Tires Inc., two white guys saying, " We don't need any blacks working for our company."

I was the only Black African American working for the company at that time and to think about all the numerous lies against me. The tactics, being harassed and wrongful termination was because of my race and colored; this has caused me to be very stressed. I can't function thinking about all this. I had to have blood pressure medication called., (Lisinopril /Hydrochlorothiazide).

5.) Lost wages/Financial hardship /Gross income, raises & interests \$ 300,000

Due to all my service and dedication working in multiple areas in the company such as road service, commercial department, delivery department, tire recap department, tire warehouse department, truck service department and customer valet service that's dropping the customers off to work and picking them up once their car is done being repaired. Due to wrongful termination, discrimination and lost of employment, I'm v stress causing my blood pressure to be high. NOTE: now I had to have blood pressure medication called., (Lisinopril /Hydrochlorothiazide)

INTERROGATORIES (number) (4.)

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Objection

- A.
- b. **DUE TO A SETTLEMENT AGREEMENT ALL INFORMATION IS CONFIDENTIAL**
- c. **CAN'T BE GIVING OUT AT ALL IN DETAIL**
- D.
- E. _____

INTERROGATORIES (number) (5.)

Lewis General Tires Inc., employment ads hiring the commercial dept.

(See attachment)

job search

Abs supplies Inc. - High fall mercury print - Jasco - Siluarole trucking Inc

Canon industries - harry Gordy's/ Riva Independent - Becker movers

Complemar partners - Val city value - Nu-look R P fodder crop

Upstate thermo - cortegge ford Inc. - Raymour& Flannigan - Bob Johnson Chevrolet

Irondequoit Suzuki - Cole muffler - O'Conner - mar Rooter - Job Fair

O'Conner - Mr. Rooter - De Carols Rental - John Holtz - car Quest

Walter Buckingham

Walter Buckingham, Pro Se
16 Elk Street
Rochester NY 14615

March 19, 2014

HIGHLAND HOSPITAL

MEDICAL ADMINISTRATIVE ASSOCIATES INC.
HIGHLAND PHARMACY AT JORDAN
82 HOLLAND STREET
ROCHESTER, NY 14605-0529

PHARMACY HOURS
Mon 9am - 7pm; Tues - Thu 9am -6pm
Fri 9am-5pm; Closed Weekends

Rx # 6288852N Refill # 0:

BUCKINGHAM, WALTER
16 ELK ST. ROCHESTER NY 14615
5 [REDACTED] DOB [REDACTED]

Lisinopril/Hydrochlorothiazide 10/12.5 mg
Tab Lupin
TAKE 1 TABLET BY MOUTH ONCE DAILY

NDC 68180051801 Exp 05/02/2015
C, 30 TABLET
Fills Rem 3 @ 3u until 04/30/2015

Call your doctor for medical advice about side effects. You may report side effects to FDA at 1-800-FDA-1088.

Parks Lorinda [REDACTED]
Written Lisinopril Hydrochlorothiazide 10 12.5 mg Tab
RPh DLG

PICKUP Insurance
[REDACTED] A5



\$ 2.11

HIGHLAND MEDICAL ADMINISTRATIVE ASSOCIATES INC.
HOSPITAL PHARMACY AT JORDAN
82 HOLLAND STREET
ROCHESTER, NY 14605-0529
PHONE 585-423-5802

05/02/2014

BUCKINGHAM, WALTER
16 ELK ST
ROCHESTER, NY 14615
585-254-7917

of Scripts - 1

BU
Will Call

RTS - 05/17/2014

Rx # 6288852N

BUCKINGHAM, WALTER

Parks, Lorinda

Dispensed Lisinopril Hydrochlorothiazide 10 12.5 mg Tab Lupin

IMPORTANT: HOW TO USE THIS INFORMATION

This is a summary and does not assure that this product is safe, effective or appropriate. Consult your doctor for more details and to discuss the use of reliable forms of birth control while taking this medication. If you are planning pregnancy, become pregnant or think you may be pregnant, contact your doctor immediately.

This information does not substitute for the advice of your health care professional. Always ask your health care professional for complete information about this product and your specific health needs.

LISINOPRIL/HYDROCHLOROTHIAZIDE - ORAL (lye-SIN-oh-pril/HYE-droe-KLOR-oh-THYE-a-zide)

COMMON BRAND NAME(S): Prinzipide Zestoretic

WARNING: This drug can cause serious (possibly fatal) harm to an unborn baby if used during pregnancy. Therefore, it is important to prevent pregnancy while taking this medication. Consult your doctor for more details and to discuss the use of reliable forms of birth control while taking this medication. If you are planning pregnancy, become pregnant or think you may be pregnant, contact your doctor immediately.

USES: This medication is used to treat high blood pressure (hypertension). Lowering high blood pressure helps prevent strokes, heart attacks, and kidney problems. This product contains two medications, lisinopril and hydrochlorothiazide. Lisinopril is an ACE inhibitor and works by relaxing blood vessels so that blood can flow more easily. Hydrochlorothiazide is a "water pill" (diuretic) that causes you to make more urine, which helps your body get rid of extra salt and water.

This product is used when one drug is not controlling your blood pressure. Your doctor may direct you to take the individual medications first and then switch you to this combination product. Do not continue taking the individual medications (lisinopril and/or hydrochlorothiazide) after you start this medication.

OTHER USES: This section contains uses of this drug that are not listed in the approved professional labeling for the drug but that may be prescribed by your health care professional. Use this drug for a condition that is listed in this section only if it has been so prescribed by your health care professional.

This medication may also be used to treat heart failure.

HOW TO USE: Read the Patient Information Leaflet if available from your pharmacist before you start taking this medication and each time you get a refill. If you have any questions, ask your doctor or pharmacist.

Take this medication by mouth as directed by your doctor, usually once daily in the morning with or without food. If this medication causes you to urinate more frequently, it is best to take it at least 4 hours before your bedtime to prevent having to get up to urinate.

If you also take certain drugs to lower your cholesterol (bile acid-binding resins such as cholestyramine or colestipol), take lisinopril/hydrochlorothiazide at least 4 hours before or at least 4 to 6 hours after these medications.

The dosage is based on your medical condition and response to treatment.

Use this medication regularly to get the most benefit from it. To help you remember, take it at the same time each day. It is important to continue taking this medication even if you feel well. Most people with high blood pressure do not feel sick.

Tell your doctor if your condition does not improve or if it worsens (for example, your blood pressure readings increase).

HIGHLAND HOSPITAL

MEDICAL ADMINISTRATIVE ASSOCIATES INC
HIGHLAND PHARMACY AT JORDAN
82 HOLLAND STREET
ROCHESTER, NY 14605-0529

PHARMACY HOURS
Mon 9am - 7pm; Tues - Thu 9am -6pm
Fri 9am-5pm; Closed Weekends

Rx # 402582N Ref # 0
BUCKINGHAM, WALTER
16 ELK ST ROCHESTER NY 14615
DOB [REDACTED]
Zolpidem 10 mg Tab Mylan

Date 03/16/2015

CHAPMAN R
Written Zolpidem 10 mg Tab
RPh JM

Phone [REDACTED]

TAKE 1 TABLET BY MOUTH EVERY DAY AT BEDTIME AS
NEEDED. MAX=1 TAB DAY.

WAITING

Insurance

BY



\$ 0.00

NDC 00378531001 Exp 03/17/2016
Qty 7 TABLET
Fills Rem 0

Call your doctor for medical advice about side effects. You may report side effects to FDA at 1-800-FDA-1088.

Rx # 402582N
BUCKINGHAM, WALTER
CHAPMAN, R
Dispensed Zolpidem 10 mg Tab Mylan

HIGHLAND
HOSPITAL

MEDICAL ADMINISTRATIVE ASSOCIATES INC
HIGHLAND PHARMACY AT JORDAN
82 HOLLAND STREET
ROCHESTER, NY 14605-0529
PHONE 586-423-5802

03/17/2015

BUCKINGHAM, WALTER
16 ELK ST
ROCHESTER, NY 14615
5852547917

of Scripts - 1

BU
Will Call

RTS - 04/01/2015

IMPORTANT: HOW TO USE THIS INFORMATION This is a summary
This information does not assure that this product is safe, effective or a
does not substitute for the advice of your health care professional. Always
product and your specific health needs

ZOLPIDEM - ORAL (ZOHL-pee-dem)

COMMON BRAND NAME(S): Ambien

USES: Zolpidem is used to treat sleep problems (insomnia) in adults. If you have trouble falling asleep, it helps you fall asleep faster, so you can get a better night's rest. Zolpidem belongs to a class of drugs called sedative-hypnotics. It acts on your brain to produce a calming effect.

This medication is usually limited to short treatment periods of 1 to 2 weeks or less.

HOW TO USE: Read the Medication Guide and, if available, the Patient Information Leaflet provided by your pharmacist before you start taking zolpidem and each time you get a refill. If you have any questions, ask your doctor or pharmacist.

Take this medication by mouth on an empty stomach as directed by your doctor, usually once a night. Since zolpidem works quickly, take it right before you get into bed. Do not take it with or after a meal, because it will not work as quickly.

Do not take a dose of this drug unless you have time for a full night's sleep of at least 7 to 8 hours. If you have to wake up before that, you may have some memory loss and may have trouble safely doing any activity that requires alertness, such as driving or operating machinery. (See also Precautions section.)

Dosage is based on your gender, age, medical condition, other medications you may be taking, and response to treatment. Do not increase your dose, take it more often, or use it for longer than prescribed. Do not take more than 10 milligrams a day. Women are usually prescribed a lower dose because the drug is removed from the body more slowly than in men. Older adults are usually prescribed a lower dose to decrease the risk of side effects.

This medication may cause withdrawal reactions, especially if it has been used regularly for a long time or in high doses. In such cases, withdrawal symptoms (such as nausea, vomiting, flushing, stomach cramps, nervousness, shakiness) may occur if you suddenly stop using this medication. To prevent withdrawal reactions, your doctor may reduce your dose gradually. Consult your doctor or pharmacist for more details, and report any withdrawal reactions immediately.

Along with its benefits, this medication may rarely cause abnormal drug-seeking behavior (addiction). This risk may be increased if you have abused alcohol or drugs in the past. Take this medication exactly as prescribed to lessen the risk of addiction.

When this medication is used for a long time, it may not work as well. Talk with your doctor if this medication stops working well.

Tell your doctor if your condition persists after 7 to 10 days, or if it worsens.

You may have trouble sleeping the first few nights after you stop taking this medication. This is called rebound insomnia and is normal. It will usually go away after 1-2 nights. If this effect continues, contact your doctor.

reply

published 11/1

Posted 6 months ago

TIRES - Experienced Commercial Tire Technician Wanted (Lewis General Tires)



© craigslist Map data © OpenStreetMap

3870 West Henrietta Rd

([google map](#)) ([yahoo map](#))

compensation. Will discuss

OTR and AG Experience a PLUS. Good pay with benefits. Apply in person at Lewis General Tires, 3870 West Henrietta Rd , Rochester, NY 14623. Please contact Craig at 585-334-0900 with any questions.

- Principals only. Recruiters, please don't contact this job poster
- do NOT contact us with unsolicited services or offers

post id 4319146269 posted 6 months ago updated 6 months ago [map](#) [report](#)

Lewis General Tires, Inc.

(Since 1919)

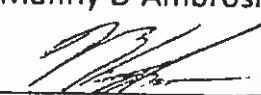
3870 W. Henrietta Rd. Rochester, NY 14623
Phone (585) 334-0900 Fax (585) 334-4615

4/18/12 Meeting with Walter, Manny, Craig, & Dick Lewis

Walter will be excused from work on Saturdays from now until June 2nd in order to care for his mother. Walter is expected to return to work Saturdays on June 2nd. Walter will also be given one week notice before he is expected to return to working on Tuesdays.


Walter E. Lewis
Richards Lewis


Manny D'Ambrosio


Craig Lewis


Walter Buckingham

GENERAL

MEMO

TIRE

DATE April 30, 2012



WALTER CAME TO WORK AND PUNCHED
IN @ 7:00 AM. ON MONDAY APRIL 30,
2012. HIS NORMAL WORK SCHEDULE IS
8:00 AM TO 5:00 PM. WHEN I QUESTIONED
HIM AS TO WHY HE WAS STARTING EARLY
HIS REPLY WAS THAT HE WAS HERE TO
WORK

I ADVISED HIM THAT NO EMPLOYEE
HAD PERMISSION TO ALTER HIS OWN WORK
SCHEDULE WITHOUT PRIOR APPROVAL BY
MANAGEMENT. WHEN I THEN TOLD HIM
I WOULD NOT SIGN OFF ON AN EARLY START
HE REPLIED THAT CHUCK TROCHE STARTS
WHENEVER HE WANTS AND MANAGEMENT
LETS HIM. I TOLD HIM THAT CHUCK WORKS
AT MANAGEMENT'S REQUEST ONLY.

LEWIS

Wayne Carter Geiss
SVC MGR
GENERAL TIRES, INC.

3870 WEST HENRIETTA RD., ROCHESTER, N.Y. 14623
(585) 334-0900 • FAX (585) 334-4615 • REG. REPAIR SHOP # R5280454

GENERAL
TIRE

MEMO

DATE April 26, 2012



AT 8:00 AM on Thursday morning
WALTER APPROACHED ME AND VEHMENTLY
QUESTIONED WHY HE WAS WRITTEN UP
FOR A NO SHOW/NO CALL ON THE PREVIOUS
SAT. (4-21-12)

HE STATED THAT HE SHOULD NOT BE
WRITTEN UP BECAUSE CHUCK TROCHE DID THE
SAME THING AND HE (WALTER) IS SURE
THAT CHUCK DID NOT RECEIVE A
WRITTEN REPRIMAND.

Wayne Goss
Svc Mgr

LEWIS GENERAL TIRES, INC.

3870 WEST HENRIETTA RD., ROCHESTER, N.Y. 14623
(585) 334-0900 • FAX (585) 334-4615 • REG. REPAIR SHOP # R5280454

EMPLOYEE WARNING NOTICE

Employee Walter Buckingham

Supervisor Bob Bryant Date 7/12/12

<u>Previous Warnings</u>	<u>Oral</u>	<u>Written</u>	<u>Date</u>	<u>By Whom</u>
1 st Warning				
2 nd Warning				
3 rd Warning				

Employer Statement

Date of incident 3/31/12 Time 2:30 am

Employee did not show up for work and did not call in.

Employee Statement

I agree disagree with Employer's statement. The reasons are:

Employee Signature _____ Date _____

Action to be taken:

Warning X Suspension _____ Dismissal _____
Other: _____

Consequences should incident occur again: Superfision

I have read this warning and understand it.

Employee Signature Date

4/12/12

Lewis General
Film Mother Buckingham

APR 13 2012

I will not be able to work on 4/14/2012 due to my mother's illnesses. She has been home on 24 hour care for several months. She is very ill I need to be there to take care of her there is no one available to help her on the above day. This is a very trying time for me and my family. Thank you for your support.

Revised 05/01 WDNY

AFFIRMATION OF SERVICE

(If you are not having your signature notarized, use this form)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



WALTER BUCKINGHAM,

Plaintiff(s), AFFIRMATION OF SERVICE
v. 13 -CV- O6264L

LEWIS GENERAL TIRE, INC.,

Defendant(s).

I, (print your name) Walter Buckingham, served a copy of the attached papers
(state the name of your papers) medical papers , evidence
signed contract dated 4-18-12 employer ad , written letter 4-13-12
statements 4-30-12 , 4-26-12 , warning notice

8-papers upon all other parties in this case
by mailing / by hand-delivering / (check the method you used)
these documents to the following persons (list the names and addresses of the people you served)
united states district court western district of new york 100 state street
rochester, ny 14614

roach,brown McCarthy & Gruber, pc 1920 liberty building 424 main street
Buffalo,new york 14202

on (date service was made) 4-19-15

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge, information and belief.

Executed on 4-19-15 Walter Buckingham
(date) (your signature)